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IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Appellant: **Bhaskarpillai Gopinath**

Case: **10 - Continuation**

Serial No. **10/619,245**

Filed: **July 14, 2003**

Group Art Unit: **2141**

Examiner: **Kenneth R. Coulter**

Title of Invention: **ON-DEMAND PROVISIONING OF A SET OF SERVICES
TO INTERCONNECT A GROUP OF PARTICIPANTS**

COMMISSIONER OF PATENTS

SIR:

TRANSMITTAL OF APPEAL BRIEF FOR PATENT

Transmitted herewith is a single copy of the Appeal Brief in this application with respect to the Notice of Appeal filed on **May 3, 2006**.

This application is on behalf of a small entity.

Pursuant to 37 CFR 1.27, the fee for filing the Appeal Brief is **\$250.00**. An authorization for credit card payment (PTO-2038) in the amount of **\$250.00** is enclosed. If any additional charge and/or fee are required, this is a request therefore to charge Deposit Account No. **13-3083**. A duplicate of this transmittal letter is attached.

The Applicant/Appellant believe no extension of time is required. In the event the Applicant/Appellant are mistaken and an extension of time is required, the Applicant/Appellant respectfully petition for the requisite extension of time. This conditional petition is now being made to provide for the possibility that the Applicant/Appellant have inadvertently overlooked the need for a petition and fee for the extension of time. The Commissioner is authorized to charge the cost of the extension, if any, to Deposit Account No. **13-3083**.



Respectfully submitted,

John T. Peoples

John T. Peoples, Attorney Acting under 37 CFR 1.34
(Reg. No. 28,250)

Date: 7-1-06

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THE COMMISSIONER OF PATENTS AND TRADEMARKS

SIR:

APPEAL BRIEF

This Appeal is filed pursuant to **37 CFR 41.37**. The Appellant filed a Notice of Appeal on **May 3, 2006** in response to the FINAL Office action dated **January 4, 2006**.

- (i) **Real party in interest:** Appellant, as above.
- (ii) **Related appeals and interferences:** None
- (iii) **Status of Claims**

The Examiner rejected all pending claims 1-20 in a FINAL Official action.
The Appellant appeals all pending claims 1-20.

(iv) **Status of the amendments:** No amendments were filed after the FINAL rejection.

(v) **Summary of Claimed Subject Matter**

Independent Claim 1: The Appellant claims a methodology for servicing a dynamically formed group of participants for a temporary social occasion comprising: (a) provisioning a set of computer network-implemented services available from a service provider; (b) configuring an application to execute on a server accessible to the participants via the service provider, the application being user-created by one of the participants choosing selected ones of the services corresponding to the occasion; (c) executing the application to interconnect and coordinate the interactions of the participants for the occasion; and (d) capturing all of the interactions of the participants throughout the duration of the occasion in a thread-of-activity file stored on the server for later recall by at least one of the participants.

The high-level block diagram of the attached FIG. A crystallizes this methodology for servicing a dynamically formed group of participants for a temporary social occasion; FIG. A summarizes information from the specification and the figures as detailed in the “Support” paragraph below.

In effect, claim 1 explicitly recites a two-tiered hierarchy -- composed of a service provider at a first level and a group of participants at a second level -- wherein the service provider offers, for a fee, a set of services so that one participant from the group of participants (called a “host”) configures a specific application for a social occasion to serve all participants. The service provider is not a participant, nor has any interest in

participation; rather the service provider is a disinterested outsider with respect to the social occasion and merely makes available the set of services that can be tailored to the needs of all of the participants at the direction of the host.

Support in the Specification and the Drawing for Claim 1

The preamble sets forth a method for servicing a “*dynamically formed group of participants for a temporary social occasion*” (form **210** of FIG. 2, as well as the discussion starting on page 11, line 18 through page 12, line 11, which presents an example of a “birthday” occasion, and the list of participants, namely, Host, Celebrant, and other participants in the group are filled-in on form **210** of FIG. 2).

Support for the recitation “*provisioning a set of computer network-implemented services available from a service provider*” is found in the specification wherein the services **410-445**, shown in FIG. 4 as being provided the service provider (element **130** of FIG. 1), are discussed starting on page 14, line 20 of through page 15, line 9.

Support for the recitation “*configuring an application to execute on a server accessible to the participants via the service provider, the application being user-created by one of the participants choosing selected ones of the services corresponding to the occasion*” is discussed on page 15, lines 10-16 with respect to, for example, Application1 **361** wherein certain services **510**, **520** and **530**, as selected by the Host listed on form **210** of FIG. 2, are taken from the set of services **410-445** to instantiate Application1 **361**.

Support for “*executing the application to interconnect and coordinate the interactions of the participants for the occasion*” is found with reference to processes **710-750** of flow diagram **700** of FIG. 7, especially process **740**, and the accompanying discussion from page 16, line 15 through page 17, line 2.

Support for the recitation “capturing all of the interactions of the participants throughout the duration of the occasion in a thread-of-activity file stored on the server for later recall by at least one of the participants” is found, at least, with reference to processes **910** and **920** of FIG. 9, and the accompanying discussion on page 21, line 10 through page 22, line 20.

Independent Claim 10: The Appellant claims a methodology in independent Claim 10 for servicing a dynamically formed group of participants for a temporary social occasion comprising: (a) provisioning a set of computer network-implemented services available from a service provider; (b) configuring an application to execute on a server accessible to the participants via the service provider, the application being user-created by one of the participants choosing selected ones of the services corresponding to the occasion; (c) executing the application to interconnect and coordinate the interactions of the participants for the occasion; (d) capturing all of the interactions of the participants throughout the duration of the occasion in a thread-of-activity file stored on the server for later recall by at least one of the participants; and (e) deactivating the application to await automatic self-activation of the application at a specified later time with reference to the thread-of-activity file.

Claim 10 is derived by adding step (e) -- “deactivating ...” -- to claim 1.

Support in the Specification and the Drawing for Claim 10

The preamble sets forth a method for servicing a “*dynamically formed group of participants for a temporary social occasion*” (form **210** of FIG. 2, as well as the discussion starting on page 11, line 18 through page 12, line 11, which presents an example of a “birthday” occasion, and the list of participants, namely, Host, Celebrant, and other participants in the group are filled-in on form **210** of FIG. 2).

Support for the recitation “*provisioning a set of computer network-implemented services available from a service provider*” is found in the specification wherein the services **410-445**, shown in FIG. 4 as being provided the service provider (element **130** of FIG. 1), are discussed starting on page 14, line 20 of through page 15, line 9.

Support for the recitation “*configuring an application to execute on a server accessible to the participants via the service provider, the application being user-created by one of the participants choosing selected ones of the services corresponding to the occasion*” is discussed on page 15, lines 10-16 with respect to, for example, Application1 **361** wherein certain services **510**, **520** and **530**, as selected by the Host listed on form **210** of FIG. 2, are taken from the set of services **410-445** to instantiate Application1 **361**.

Support for “*executing the application to interconnect and coordinate the interactions of the participants for the occasion*” is found with reference to processes **710-750** of flow diagram **700** of FIG. 7, especially process **740**, and the accompanying discussion from page 16, line 15 through page 17, line 2.

Support for the recitation “*capturing all of the interactions of the participants throughout the duration of the occasion in a thread-of-activity file stored on the server for later recall by at least one of the participants*” is found, at least, with reference to processes **910**

and 920 of FIG. 9, and the accompanying discussion on page 21, line 10 through page 22, line 20.

Support for the recitation “*deactivating the application to await automatic self-activation of the application at a specified later time with reference to the thread-of-activity file*” is found in the discussion starting on page 12, line 12 through page 13, line 2.

Independent Claim 19: Independent claim 19 recites a method for servicing a dynamically formed group of participants for a temporary social occasion comprising: (a) provisioning a set of computer network-implemented services available from a service provider; (b) configuring an application to execute on a server accessible to the participants via the service provider, the application being user-created by one of the participants, distinct from the service provider, choosing selected ones of the services corresponding to the occasion, the server being adapted to execute the occasion-specific services via an on-line website accessible via the service provider; (c) executing the application to interconnect and coordinate the interactions of the participants for the occasion on the website; and (d) capturing all of the interactions of the participants throughout the duration of the occasion in a thread-of-activity file stored on the server for later recall by at least one of the participants.

Claim 19 is derived by modifying step (b) of claim 1 so that the set of services are executed via an on-line website accessible via the service provider.

Support in the Specification and the Drawing for Claim 19

The preamble sets forth a method for servicing a “*dynamically formed group of participants for a temporary social occasion*” (form **210** of FIG. 2, as well as the discussion starting on page 11, line 18 through page 12, line 11, which presents an example of a “birthday” occasion, and the list of participants, namely, Host, Celebrant, and other participants in the group are filled-in on form **210** of FIG. 2).

Support for the recitation “*provisioning a set of computer network-implemented services available from a service provider*” is found in the specification wherein the services **410-445**, shown in FIG. 4 as being provided the service provider (element **130** of FIG. 1), are discussed starting on page 14, line 20 of through page 15, line 9.

Support for the recitation “*configuring an application to execute on a server accessible to the participants via the service provider, the application being user-created by one of the participants, distinct from the service provider, choosing selected ones of the services corresponding to the occasion, the server being adapted to execute the occasion-specific services via an on-line website accessible via the service provider*” is discussed on page 15, lines 10-16 with respect to, for example, Application1 **361** wherein certain services **510, 520** and **530**, as selected by the Host listed on form **210** of FIG. 2, are taken from the set of services **410-445** to instantiate Application1 **361**. Utilization of an on-line website is shown as element **130** in FIG. 1, at least, and the importance of the on-line website is woven throughout the specification.

Support for the recitation “*capturing all of the interactions of the participants throughout the duration of the occasion in a thread-of-activity file stored on the server for later recall by at least one of the participants*” is found, at least, with reference to processes **910**

and 920 of FIG. 9, and the accompanying discussion on page 21, line 10 through page 22, line 20.

(vi) **Grounds of Rejection To Be Reviewed Upon Appeal:**

The Examiner rejected the pending claims 1-20 under 35 U.S.C. 102(e) as being anticipated by Conklin et al. (US Pat. No. 6,141,653 -- hereinafter **Conklin**).

(vii) **Argument**

Appellant' Preliminary Statement:

The Appellant believes that the subject matter taught and suggested by **Conklin** is fundamentally different from what the Appellant has disclosed and claimed, and **Conklin** neither anticipates nor renders as obvious the inventive subject matter. To distinguish the fundamental differences, it is helpful initially to present an illustrative scenario (excerpted from the specification) of the methodology disclosed and claimed by the Appellant. Then the teachings and suggestions of **Conklin** in contrast to the Appellant's claimed subject matter are discussed. Finally, the Examiner's contentions with respect to each claim are addressed.

Appellant's Methodology

Consider the following enhanced service heretofore unavailable to Internet users. Suppose a user, called the "host" so as to distinguish this user from other participants to be introduced shortly, desires to establish a temporary, occasion-specific website to celebrate the birthday of an individual called the "celebrant". The host communicates with a "service-provider" of services made available over the temporary

website, which services are elucidated in overview manner below. The host contacts the service-provider via the Internet. For the sake of specificity, suppose the host initiates contact with the service-provider over the Internet via a URL called "www.siteforus.com", which is the actual URL for the service-provider of the group-specific services. The service-provider responds to the host, for example, by presenting an on-line form to be filled in by host; the form addresses the specific desires of the host in setting up the temporary website for a social occasion, which website again for the sake of specificity is now designated "www.siteforus.com/host1".

For this example, the host indicates that a birthday occasion is to be celebrated, and when the celebration is to occur, that is, the date and time period for the celebration (e.g., May 31 starting at 5:00 PM until June 1 at 3:00 PM). In addition, the host provides the names and access information for those participants that the host wishes to "invite" to the birthday celebration; these participants are called "group members", with the host and celebrant automatically included as group members. The access information may be the e-mail addresses of the group members so the group members may be invited to the celebration using the access information.

The host can then select the types of services desired for the celebration from a menu list. For instance, the menu items may include: (1) a "birthday card" so that the group members may select from a list of available birthday cards and then post a birthday card which can be accessed and viewed by celebrant on the occasion-specific sight "www.siteforus.com/host1"; (2) a "song list" which may be played for the celebrant via an Internet audio player when accessed by the celebrant; (3) a "bulletin board" to post birthday greetings by the group members; (4) a "gift list" and/or "gift registry" so any group member may order a gift for the celebrant, whereupon the gift may be sent via regular mail or a special mail service to the celebrant; (5) "video clips" of special import to a birthday celebrant; and (6) the provisioning of teleconferencing connection, to be established at a given date and time (e.g., May 31 at 6:00 PM), so any group members desiring to participate may partake of the teleconference connection. A key component of the inventive system is that there is intelligence at the website to orchestrate the presentation of items such as items (1)-(6).

The service-provider then initiates the scheduling of the services as selected by the host in concert with the time period chosen by the host, and notifies the group members via the access information of each member as to the time of the celebration, along with the "www.siteforus.com/host1" URL to participate in the celebration, and/or the teleconferencing time and number.

The service-provider is arranged with software and hardware so as to dynamically configure the set of services to interact with the group members. The set of services for a given occasion, from the point of view of the service-provider, is referred to as an application. It is clear, for example, that two applications may have the same

services, but each application may differ because, for instance, the group members are not the same, or the date and/or time interval is different.

An exemplary list of hardware includes: (i) immediately accessible storage for text of birthday greetings, voice, video; (ii) teleconferencing bridge; and (iii) archival storage for later recall of the interactions on the temporary website. An exemplary list of software includes: (a) programs to support interaction with the host, such as presentation of the on-line form, and summary presentation of the form to the host; (b) programs for notifying the group members of the group activity; (c) programs to track activity usage for billing purposes; (d) programs for on-line help accessible by all group members; (e) programs to support and coordinate the birthday activities selected the host (e.g., birthday cards, gift list, song list, bulletin board, audio/video, teleconferencing); and (f) a program manager to manage all software and hardware interactions.

Conklin

Conklin deals with a methodology induced by a three-tiered hierarchy of three interconnected entities, namely, a **service provider**, a **sponsor**, and a plurality of **participants**, in an arrangement for interactive, multivariate negotiations over a network. The high-level block diagram of the attached FIG. B summarizes this hierarchy; FIG. B is synthesized from the teachings and suggestions of **Conklin**, particularly FIG. 1a and the accompanying discussion in column 17, lines 33-67 and in column 18, lines 1-17.

Based upon the discussion of the preferred embodiment in **Conklin**, with reference to FIG. B, it is clear that the **sponsor** is an entity that, of necessity, is distinct from either the **service provider** or the **participants**, that is, the **sponsor** at Level 2 cannot be the **service provider** at Level 1, and the **sponsor** cannot be among the Level 3 **participants**. This distinct relationship of the **sponsor** vis-à-vis the **service provider** and the **participants** is necessary because, in the commercial setting described by **Conklin**, the **participants** are adversarial in that each participant has its own vested

interest. The **sponsor** merely creates and administers a community of activities (such as defining terms of participation, standards/rules, visibility of participants, collection of fees, and *refereeing disputes*) shared by the **participants** so that the **sponsor** must be neutral -- hence the **sponsor** cannot be one of the **participants** without losing requisite impartiality. On the other hand, the **sponsor**, not the **service provider**, has intimate knowledge of the details necessary to create and administer the specific application that binds the **participants**. As per **Conklin**, the **service provider** merely provides a system engine, e.g., a set of software packages, but has no knowledge, nor desires to have any knowledge, of the types of services to be configured from the software packages by any given **sponsor** for each individual application. Thus, according to the teachings and suggestions of **Conklin**, the **sponsor** is distinct from the **service provider** since the **service provider** does not have the knowledge to fulfill a dual role. The commercial nature of the transactions induces the three-tiered hierarchy. Because of this three-tiered hierarchy, the processes carried out in **Conklin** are radically and fundamentally different than the inventive subject matter of the Appellant.

To elucidate this general discussion, consider a representative example given by **Conklin** wherein “buyers” and “sellers” (i.e., **participants** at Level 3 in FIG. B) interact to complete sales between buyers and sellers as administered according to rules composed by the **sponsor** (at Level 2). Obviously, the **sponsor** cannot be a buyer or a seller because of a potential conflict in either capacity. The **sponsor** is thus an independent, separate entity acceptable to buyers and sellers because of neutrality. The sponsor creates and administers the buyer-seller community utilizing a set of software templates provided by the **service provider** (at Level 1). The service provider has no

real interest in or need to interact with the sponsor, buyers, and sellers other than the provision of software templates used for the activity. As emphasized by **Conklin**, the service provider is important to the process because the service provider devises and makes available a complex, often costly, set of software templates that practically, because of these factors, cannot be prepared by the sponsor, and/or buyer/seller (see column 22, lines 30-40). In the preferred embodiment, none of the three separate entities, stratified into the three levels FIG. B, can be coalesced to eliminate one or more entities or one or more levels. *If such coalescing is attempted, the operation of the arrangement taught and suggested by **Conklin** ceases to function as intended.*

The crux of the difference can be appreciated by comparing **Conklin**'s FIG. B to Appellant's summary hierarchical diagram shown in FIG. C. Because the setting for the inventive subject matter is a "temporary social occasion", thereby eliminating adversarial considerations, the hierarchy is two-tiered, with the **service provider** at Level A and the **participants** at Level B. Moreover, one of the **participants** (e.g., participant 1), called the **host**, now directly interacts with the **service provider** and requests that a set of services be provisioned by the **service provider** for use by all **participants**, including the host, for the temporary social occasion. The non-host participants need not have any concern about the interactions between the **host** and the **service provider** because of the non-adversarial, cooperative occasion engendered by the social activity. Thus, besides configuring the application for the social occasion, the **host** is a direct participant and is central to the role of fostering the "social occasion".

In **Conklin**'s disclosure, the Appellant notes that **Conklin** discusses another embodiment wherein, to take advantage of software already developed by the sponsor, the sponsor may offer such software to the participants for their use. At first blush, the sponsor may be construed in this situation as serving in the additional role of service provider. However, the sponsor must still maintain its role of, for example, referee among the participants, so the sponsor must be impartial with respect to the Level 3 participants. Thus, the sponsor must wear "two hats", namely, the Level 1 "hat" of the service provider and the Level 2 "hat" of sponsor. Accordingly, the dual role induces, in essence, a literal three-tier structure. Moreover, it is especially critical to note that the sponsor now configures the application from the pre-existing software -- any one or more participant are explicitly precluded from the creation of the application from a set of services. It is not possible to even contemplate that one of the participants configure the application in **Conklin** since there would be a very legitimate concern on the part of all other participants of non-neutrality by the participant configuring the application. In the inventive subject matter disclosed and claimed by the Appellant, the host/participant configures the application -- a situation that is not possible in **Conklin** because of the conflict-of-interest relation among the participants. Thus, it is not possible to conjecture a two-level structure in **Conklin** because three functionalities, each of necessity implemented in a separate level, are required due to the nature of the problem addressed by **Conklin**.

Examiner's Position as per independent CLAIM 1:

Examiner's Statement: Conklin discloses a method for servicing a dynamically formed group of participants for a temporary social occasion comprising:

provisioning a set of computer network-implemented services available from a service provider (Abstract "system provider's Internet site");

configuring an application to execute on a server accessible to the participants via the service provider, the application being user-created by one of the participants choosing selected ones of the services corresponding to the occasion (Abstract "enables a sponsor to create and administer a community between participants"; col. 28, lines 37 -65);

executing the application to interconnect and coordinate the interactions of the participants for the occasion (Abstract); and

capturing all of the interactions of the participants throughout the duration of the occasion in a thread-of-activity file stored on the server for later recall by at least one of the participants (Abstract "The system maintains internal databases that contain the history of all transactions in each community, so that sponsors, buyers and sellers may retrieve appropriate records to document each stage of interaction and negotiation.").

Appellant's Contention: The Appellant has set forth above the crux of his argument that **Conklin** does not have the same functionality of the Appellant's inventive subject matter.

The Examiner is, in effect, "painting with the broad brush" of **Conklin** and, with such a superficial action, is obliterating the important recitations of the Appellant's inventive subject matter. The Appellant's have provided a flow diagram to capture the essence of claim 1 in attached FIG. D for contrast with **Conklin**. The discussion of FIG. D is interwoven with Appellant's comments, in **bold**, inserted into the Examiner's aforementioned Statement:

Conklin discloses a method for servicing a dynamically formed group of participants for a temporary social (**Conklin relates to commercial or business applications with accompanying requirements of impartiality among certain parties**) occasion comprising:

provisioning a set of computer network-implemented services available from a service provider (Abstract "system provider's Internet site") (**services must be applicable to a temporary social occasion, which Conklin does not teach or suggest -- see step D100**);

configuring an application to execute on a server accessible to the participants via the service provider, the application being user-created by one of the participants choosing selected ones of the services corresponding to the occasion (Abstract "enables a sponsor to create and administer a community between participants"; col. 28, lines 37-65) (**application is configured by one of the participants, namely, the HOST, whereas in Conklin the configuration is effected by an impartial third-party called the sponsor who is never a "participant" in the process -- see step D110 of FIG. D**));

executing the application to interconnect and coordinate the interactions of the participants for the occasion (Abstract) (**interactions must be of a social nature -- see step D120**); and

capturing all of the interactions of the participants throughout the duration of the occasion in a thread-of-activity file stored on the server for later recall by at least one of the participants (Abstract "The system maintains internal databases that contain the history of all transactions in each community, so that sponsors, buyers and sellers may retrieve appropriate records to document each stage of interaction and negotiation.")

To further differentiate between **Conklin** and the Appellant's inventive subject matter, FIG. E depicts the methodology of **Conklin** at the most basic level for comparison to Appellant's methodology of FIG. D. One relevant difference is shown by step E110 vis-à-vis step D110, wherein the application is configured by the **sponsor**, but not for use by the **sponsor**. This is emphasized again by step E120 in that the **sponsor** is NOT a participant to any completed transactions, but merely has oversight responsibility among the participants (e.g., can act as a referee for disputes).

The Examiner summarily rejects, via his comments in the FINAL OFFICE action, Appellant's argument distinguishing the three-tiered nature of **Conklin** from the two-tiered arrangement of the Appellant with the statement "*that these features are not recited in the claim language*". The Appellant is explicit in the recitation of the Claim 1 (as well as the other independent claims) that there are only two entities, namely, the

service provider and the participants, and any interactions take place between these two entities. The Examiner's conclusory statement is disingenuous at best.

DISCUSSION OF DEPENDENT CLAIM 2:

Examiner's Statement: As per claim 2, Conklin teaches the method as recited in claim 1 wherein the configuring includes presenting an on-line form via a website provided by the service provider and filling in the form by said one of the participants to choose said selected ones of the services and thereby configure the application (Abstract; Fig. 51; col. 20, lines 5-22).

Appellant's Contention: The Appellant incorporates herein the discussion above with respect to claim 1. Since claim 1 is deemed allowable, and claim 2 is dependent on claim 1, claim 2 is deemed allowable based upon the same rationale.

Support for the "presenting" recitation of claim 2 is found on page 11, line 22 through page 12, line 11 as well as the form layout depicted in FIG. 2.

DISCUSSION OF DEPENDENT CLAIM 3:

Examiner's Statement: As per claim 3, Conklin discloses the method as recited in claim 1 wherein one of the services is teleconferencing service and the configuring includes establishing a teleconference call among at least two of the participants (col. 18, lines 17-37 "**video conferencing and other multimedia techniques** can be added to multivariate negotiations engine 02").

Appellant's Contention: The Appellant incorporates herein the discussion above with respect to claim 1. Since claim 1 is deemed allowable, and claim 3 is dependent on claim 1, claim 3 is deemed allowable based upon the same rationale.

Support for the “establishing a teleconference call” recitation of claim 3 is found on page 18, lines 8-18 as well as the system depicted in FIG. 6.

DISCUSSION OF DEPENDENT CLAIM 4:

Examiner’s Statement: As per claim 4, Conklin does not explicitly teach the method as recited in claim 1 wherein the method further includes, after the capturing, deactivating the application to await automatic self-activation of the application at a specified later time with reference to the thread-of-activity. However, such a scenario is inherent in Conklin, in order to minimize the number of active applications on the “multivariate negotiations engine” (Abstract).

Appellant’s Contention: The Appellant incorporates herein the discussion above with respect to claim 1. Moreover, the purpose for deactivating the application for later self-activation is not one of minimizing the number of active applications, but rather addresses the need to discontinue the celebration for a period of time (say overnight) combined with the automatic self-activation so there is no oversight responsibility on the part of any of the participants, including the host. Moreover, for example, if a birthday is the social occasion, the self-activation could occur upon the next birthday one year from the de-activation with no need to attend to the configuration and/or administration of the social occasion. The Examiner’s inherency argument is baseless.

Support for the recitations of claim 4 is found in the discussion starting on page 12, line 12 through page 13, line 2.

DISCUSSION OF DEPENDENT CLAIM 5:

Examiner’s Statement: As per claim 5, Conklin discloses the method as recited in claim 1 wherein the one of the services is a credit-card charging service and the method further includes charging at least one of the participants for the configuration and

execution of the application related to the social occasion (col. 26, lines 43-52; col. 28, lines 37-65)

Appellant's Contention: The Appellant incorporates herein the discussion above with respect to claim 1. Since claim 1 is deemed allowable, and claim 5 is dependent on claim 1, claim 5 is deemed allowable based upon the same rationale.

Support for the "charging" recitation of claim 5 is found on page 4, lines 17-19 as well as the system depicted in FIG. 4.

DISCUSSION OF DEPENDENT CLAIM 6:

Examiner's Statement: As per claim 6, Conklin teaches the method as recited in claim 1 as recited wherein the one of the services is a credit-card charging service coupled to an on-line store and the method further includes charging by said store for a gift purchased on-line by at least one of the participants for the social occasion (col. 26, lines 43-52; col. 28, lines 37-65).

Appellant's Contention: The Appellant incorporates herein the discussion above with respect to claim 1. Since claim 1 is deemed allowable, and claim 6 is dependent on claim 1, claim 6 is deemed allowable based upon the same rationale.

Support for the "charging" recitation of claim 6 is found on page 4, lines 17-19 as well as the system depicted in FIG. 4.

DISCUSSION OF DEPENDENT CLAIM 7:

Examiner's Statement: As per claim 7, Conklin discloses the method as recited in claim 1 wherein one of the services is purchasing of gifts from an on-line a gift registry established for the social occasion and the method further includes on-line purchasing of a gift by at least one of the participants for another one of the participants (Abstract "buyer").

Appellant's Contention: The Appellant incorporates herein the discussion above with

respect to claim 1. Since claim 1 is deemed allowable, and claim 7 is dependent on claim 1, claim 7 is deemed allowable based upon the same rationale.

Support for the “purchasing” recitation of claim 7 is found on page 4, lines 17-19 as well as the system depicted in FIG. 4.

DISCUSSION OF DEPENDENT CLAIM 8:

Examiner’s Statement: As per claim 8, Conklin teaches the method as recited in claim 1 wherein the configuring includes configuring the application on-line via a website provided by the service provider and then inviting all of the participants to partake of the social occasion by accessing the website at a time specified by said one of the participants (co. 29, lines 48-66).

Appellant’s Contention: The Appellant incorporates herein the discussion above with respect to claim 1. Since claim 1 is deemed allowable, and claim 8 is dependent on claim 1, claim 8 is deemed allowable based upon the same rationale.

Support for the “configuring” recitation of claim 8 is found on page 4, lines 7-10 as well as the information depicted on the form of FIG. 2.

DISCUSSION OF DEPENDENT CLAIM 9:

Examiner’s Statement: As per claim 9, Conklin discloses the method as recited in claim 1 wherein the configuring includes capturing all of the interactions between sub-groups of the participants and saving the sub-group interactions in a sub-group thread-of-activity file on the server (Abstract; col. 20 lines 5-10 “sellers 08grpa and buyers 08grpb”).

Appellant’s Contention: The Appellant incorporates herein the discussion above with respect to claim 1. Since claim 1 is deemed allowable, and claim 9 is dependent on claim 1, claim 9 is deemed allowable based upon the same rationale.

Support for the “capturing interactions of sub-groups” recitation of claim 9 is found starting on line 20, page 18 through line 8 of page 19.

Examiner’s Position as per CLAIMS 10-20:

Examiner’s Statement: Per claims 10-20, the rejection of claims 1-9 under 35 USC 102(e) (rationale of claims 1-9 above) applies fully.

Appellant’s Contention: Without belaboring the issues, the Examiner is directed to the arguments presented above with respect to claims 1-9, which fully apply to the rationale for rejecting claims 10-20.

(viii) **Claims appendix:**

THE CLAIMS ON APPEAL ARE AS FOLLOWS:

1. A method for servicing a dynamically formed group of participants for a temporary social occasion comprising

provisioning a set of computer network-implemented services available from a service provider,

configuring an application to execute on a server accessible to the participants via the service provider, the application being user-created by one of the participants choosing selected ones of the services corresponding to the occasion,

executing the application to interconnect and coordinate the interactions of the participants for the occasion, and

capturing all of the interactions of the participants throughout the duration of the occasion in a thread-of-activity file stored on the server for later recall by at least one of the participants.
2. The method as recited in claim 1 wherein the configuring includes presenting an on-line form via a website provided by the service provider and filling in the form by said one of the participants to choose said selected ones of the services and thereby configure the application.
3. The method as recited in claim 1 wherein one of the services is teleconferencing service and the configuring includes establishing a teleconference call among at least two of the participants.

4. The method as recited in claim 1 wherein the method further includes, after the capturing, deactivating the application to await automatic self-activation of the application at a specified later time with reference to the thread-of-activity file.

5. The method as recited in claim 1 wherein the one of the services is a credit-card charging service and the method further includes charging at least one of the participants for the configuration and execution of the application related to the social occasion.

6. The method as recited in claim 1 wherein the one of the services is a credit-card charging service coupled to an on-line store and the method further includes charging by said store for a gift purchased on-line by at least one of the participants for the social occasion.

7. The method as recited in claim 1 wherein one of the services is purchasing of gifts from an on-line a gift registry established for the social occasion and the method further includes on-line purchasing of a gift by at least one of the participants for another one of the participants.

8. The method as recited in claim 1 wherein the configuring includes configuring the application on-line via a website provided by the service provider and then inviting all

of the participants to partake of the social occasion by accessing the website at a time specified by said one of the participants.

9. The method as recited in claim 1 wherein the configuring includes capturing all of the interactions between sub-groups of the participants and saving the sub-group interactions in a sub-group thread-of-activity file on the server.

10. A method for servicing a dynamically formed group of participants for a temporary social occasion comprising

provisioning a set of computer network-implemented services available from a service provider,

configuring an application to execute on a server accessible to the participants via the service provider, the application being user-created by one of the participants choosing selected ones of the services corresponding to the occasion,

executing the application to interconnect and coordinate the interactions of the participants for the occasion,

capturing all of the interactions of the participants throughout the duration of the occasion in a thread-of-activity file stored on the server for later recall by at least one of the participants, and

deactivating the application to await automatic self-activation of the application at a specified later time with reference to the thread-of-activity file.

11. The method as recited in claim 10 wherein the configuring includes presenting an on-line form via a website provided by the service provider and filling in the form by said one of the participants to choose said selected ones of the services and thereby configure the application.

12. The method as recited in claim 10 wherein one of the services is teleconferencing service and the configuring includes establishing a teleconference call among at least two of the participants.

13. The method as recited in claim 10 wherein the method further includes, after the capturing, deactivating the application to await automatic self-activation of the application at a specified later time with reference to the thread-of-activity file.

14. The method as recited in claim 10 wherein the one of the services is a credit-card charging service and the method further includes charging at least one of the participants for the configuration and execution of the application related to the social occasion.

15. The method as recited in claim 10 wherein the one of the services is a credit-card charging service coupled to an on-line store and the method further includes charging by said store for a gift purchased on-line by at least one of the participants for the social occasion.

16. The method as recited in claim 10 wherein one of the services is purchasing of gifts from an on-line a gift registry established for the social occasion and the method further includes on-line purchasing of a gift by at least one of the participants for another one of the participants.

17. The method as recited in claim 10 wherein the configuring includes configuring the application on-line via a website provided by the service provider and then inviting all of the participants to partake of the social occasion by accessing the website at a time specified by said one of the participants.

18. The method as recited in claim 10 wherein the configuring includes capturing all of the interactions between sub-groups of the participants and saving the sub-group interactions in a sub-group thread-of-activity file on the server.

19. A method for servicing a dynamically formed group of participants for a temporary social occasion comprising

provisioning a set of computer network-implemented services available from a service provider,

configuring an application to execute on a server accessible to the participants via the service provider, the application being user-created by one of the participants, distinct from the service provider, choosing selected ones of the services corresponding to the occasion, the server being adapted to execute the occasion-specific services via an on-line website accessible via the service provider,

executing the application to interconnect and coordinate the interactions of the participants for the occasion on the website, and

capturing all of the interactions of the participants throughout the duration of the occasion in a thread-of-activity file stored on the server for later recall by at least one of the participants.

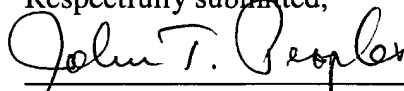
20. The method as recited in claim 19 wherein the configuring includes presenting an on-line form via the website provided by the service provider and filling in the form by said one of the participants to choose said selected ones of the services and thereby configure the application.

(ix) **Evidence appendix:**

U.S. Patent 6,141,653 Conkin et al. October 31, 2000

(x) **Related proceedings appendix:** None

Respectfully submitted,



John T. Peoples, Attorney Acting under 37 CFR 1.34
(Reg. No. 28,250)

Date: 7-1-06

Attachments:

FIG. A
FIG. B
FIG. C
FIG. D
FIG. E



"Express Mail" mailing label number: ER688532127US

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Signature: John T. Peoples

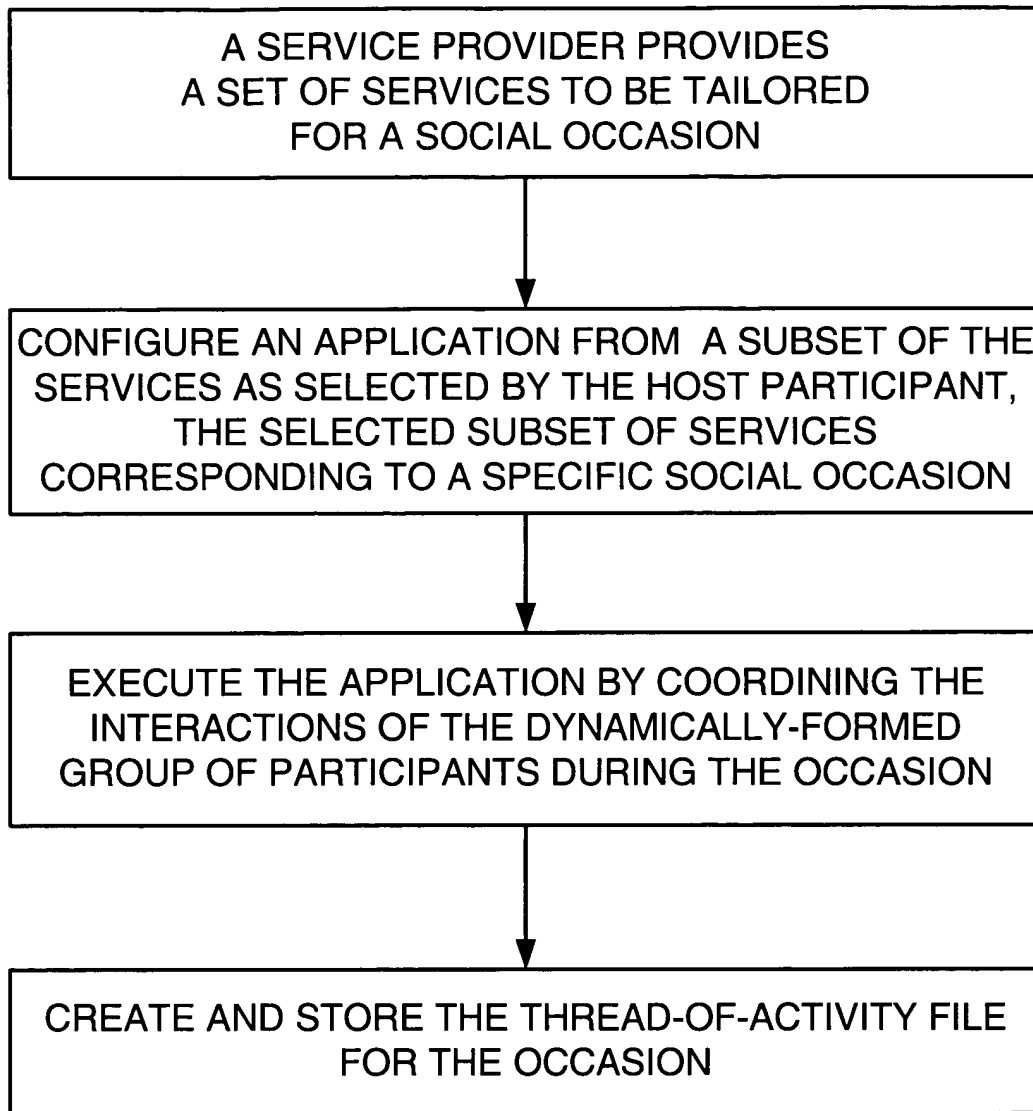


FIG. A

LEVEL

1

SERVICE
PROVIDER

2

SPONSOR

3

PARTICIPANT
1

PARTICIPANT
2

...

PARTICIPANT
N

FIG.B

LEVEL

A

SERVICE
PROVIDER

B

HOST/
PARTICIPANT
1

PARTICIPANT
2

...

PARTICIPANT
N

FIG. C

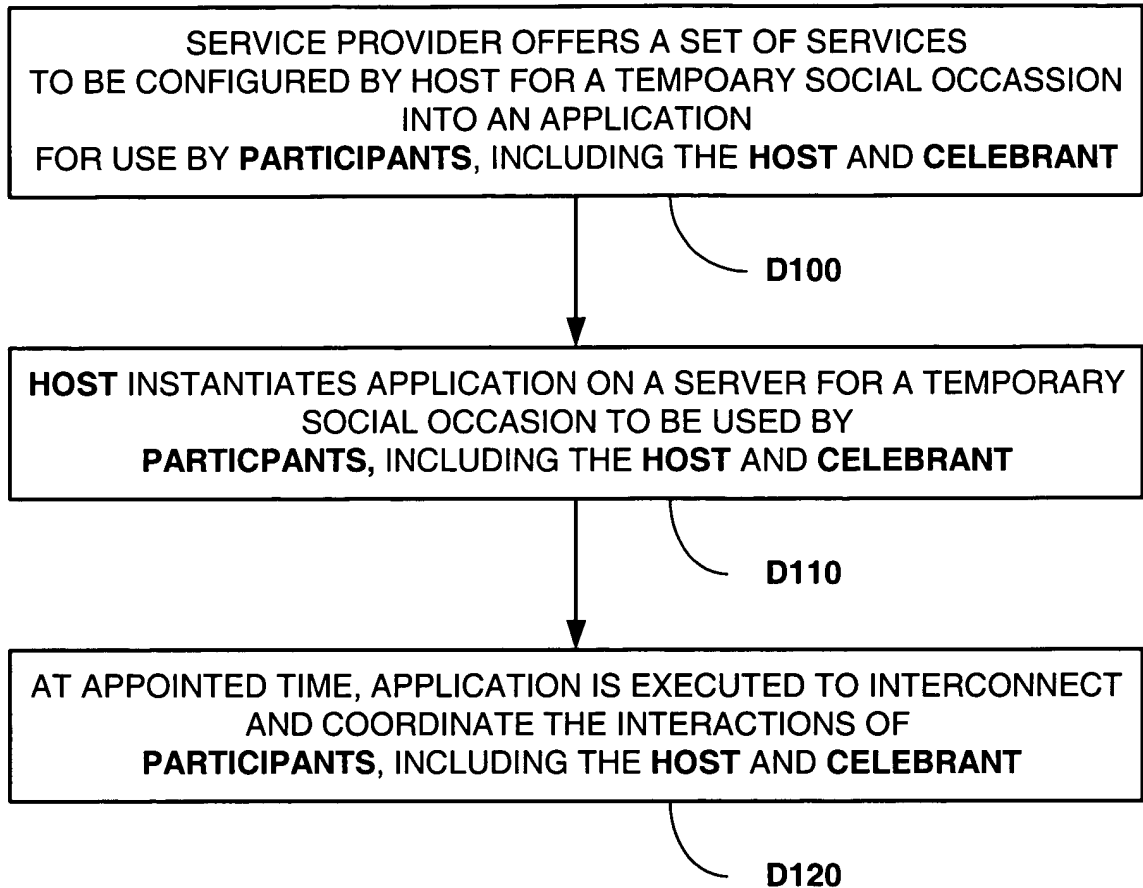


FIG. D

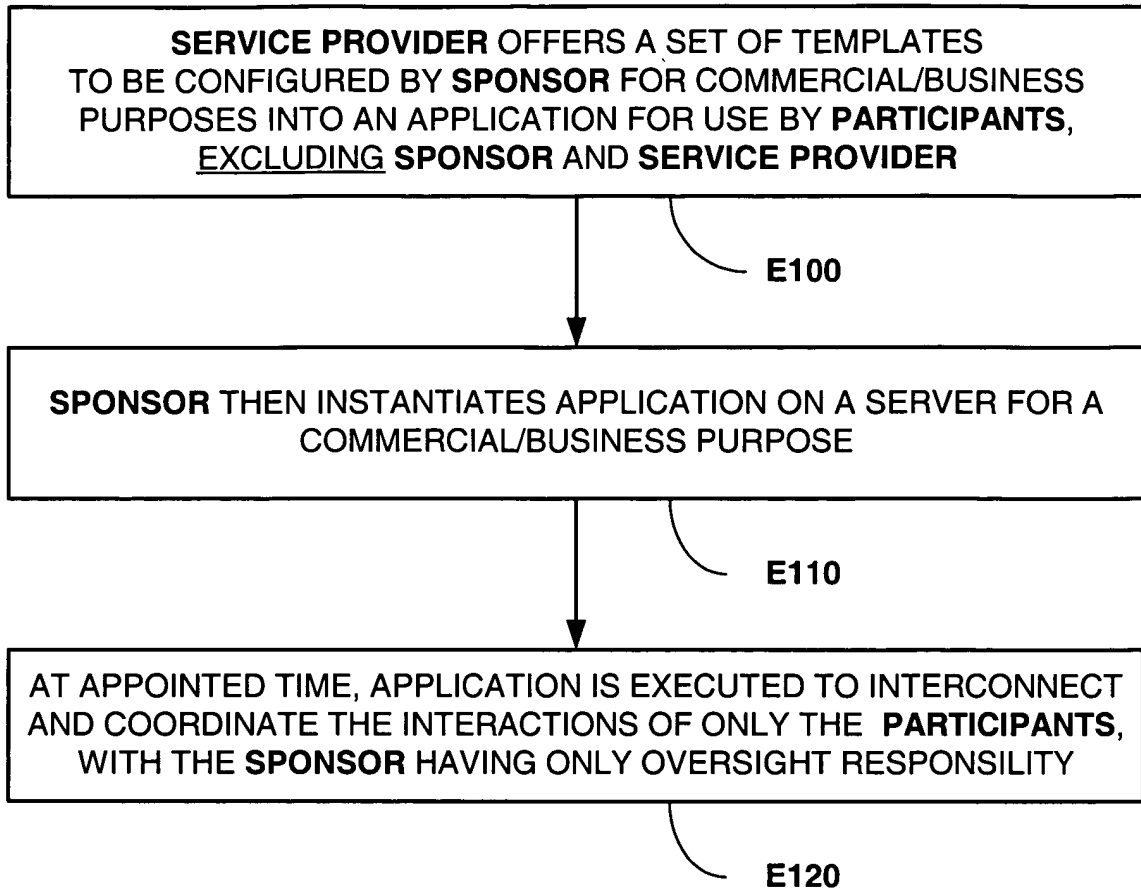


FIG. E